

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>BENNIE D. GRAVES,</b>	)	
<b>Plaintiff,</b>	)	
	)	<b>C.A. No. 21-344 Erie</b>
	)	
<b>v.</b>	)	<b>District Judge Susan Paradise Baxter</b>
	)	<b>Magistrate Judge Richard A. Lanzillo</b>
<b>KENNETH J. GAMBLE, et al.,</b>	)	
<b>Defendants.</b>	)	

**MEMORANDUM ORDER**

Plaintiff Bennie D. Graves, an inmate incarcerated at the State Correctional Institution at Albion, Pennsylvania, initiated this civil rights action on December 13, 2021, by filing a motion to proceed *in forma pauperis* (“ifp motion”), accompanied by a *pro se* complaint against three Defendants: Erie County Prothonotary Kenneth J. Gamble; Deputy Prothonotary Kelly Malone; and Erie County Sheriff John Loomis (“Loomis”).<sup>1</sup> This matter was referred to United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On September 9, 2022, remaining Defendants Gamble and Malone filed a motion to dismiss for failure to state a claim [ECF No. 21], asserting, *inter alia*, that Plaintiff’s claims against them are barred by quasi-judicial immunity and/or qualified immunity. After the motion was fully briefed by the parties, Judge Lanzillo issued a Report and Recommendation on April

---

<sup>1</sup>

Plaintiff’s claims against Defendant Loomis were subsequently dismissed as frivolous by Memorandum Order dated July 14, 2022 [ECF No. 12].

10, 2023 (“R&R”) recommending that Defendants’ motion be granted and all of Plaintiff’s remaining claims be dismissed [ECF No. 31]. Objections to the R&R were originally due to be filed by April 27, 2023, which deadline was subsequently extended to May 26, 2023; nonetheless, no objections have been filed.

After *de novo* review of the complaint and documents in this case, together with the report and recommendation, the following order is entered:

AND NOW, this 31st day of May, 2023;

IT IS HEREBY ORDERED that Defendants’ motion to dismiss for failure to state a claim [ECF No. 21] is GRANTED and all of Plaintiff’s remaining claims are DISMISSED, with prejudice. The report and recommendation of Magistrate Judge Lanzillo, issued April 10, 2023 [ECF No. 31], is adopted as the opinion of the court.

The Clerk is directed to mark this case CLOSED.



SUSAN PARADISE BAXTER  
United States District Judge

cc: The Honorable Richard A. Lanzillo  
U.S. Magistrate Judge  
all parties of record